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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,149	11/30/2001	Hideo Neishi	450100-03655	4641
20999	7590	12/23/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER

3627

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,149

Applicant(s)

NEISHI ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al.

Chen et al. teaches a comprehensive system for producing and distributing on-demand presentations over a network (column 1; lines 19-20). Chen et al. teaches that elements of the presentation invention are included within a client-server system in which one or more presentation servers communicate with one or more clients. The clients transmit and receive data from the presentation servers over a variety of communication channel including local area networks or the Internet (column 2; lines 40-55) (The clients of Chen et al. represent the presenter and the reader; the presentation servers represents the presentation material publishing server which is accessed by the clients/presenter/reader via a network).

Chen et al. teaches implementing various types of business methods using the presentation system. In particular organizations may pay a one-time fee for the service and then end users or employees would not be charged to view the presentations. In another embodiment

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taught by Chen et al. end users would access the presentation on a pay-per-view basis (column 6; line 53 – column 7; line 20) (performing a credit process prior to uploading presentation material). Chen et al. teaches charging a fee to view over a specified period (column 7 ; lines 5-6)(public information contains publication period). Chen et al. further teaches maintaining a searchable database of on-demand presentations on the presentation server, in which stored presentations are categorized in an index, allowing users to search for a presentation on a particular topic (column 5; lines 22-30).

Chen et al. teaches an example of a user purchasing the right to view a particular presentation that identification information is stored on the computer in the form of a token or cookie (column 7; lines 42-53). Examiner notes that this corresponds to a membership registration means for registering for authorized access to presentation material publishing server.

Examiner notes that it is inherent to the system of Chen et al. that public information (defined by applicant on page 25; paragraph 2 of the specification as the presentation time of the materials, category information and downloading permission information”) be collected, as it is necessarily required to collect this information (such as category or permission data) in order to know how to charge the user to view the presentation and to allow the user to search by category. (User registration of a presenter is performed; public information contains at least category or browsing permissions). Additionally, Examiner notes that it is inherent and necessarily present in the invention of Chen et al. that the target address is notified to the presenter/client only after uploading is permitted, as it would make no sense to provide that address if the uploading were not permitted.

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Chen further teaches different embodiments in which the users of the system pay fees for downloading (column 6; line 53 – column 7; line 6). Examiner notes specifically that a percentage of a fee paid for downloading paid to the content owner and the ODPO represents a download condition that is enter or negotiated by the content owner or presenter.

Response to Arguments

Applicant has submitted no arguments except to say that “portions of Chen applied by the Examiner do not disclose the above recited features. Examiner disagrees and asserts that the reference Chen anticipates Applicant’s claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner


MICHAEL CUFF
PRIMARY EXAMINER